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19  
 20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN FRANCISCO DIVISION

23 ADRIAN MONGELI, Individually, And  
 24 On Behalf Of All Others Similarly Situated,

25 Plaintiff,

26 v.

27 TERAYON COMMUNICATIONS  
 28 SYSTEMS, INC., ZAKI RAKIB, JERRY D.  
 29 CHASE, MARK A. RICHMAN, EDWARD  
 30 LOPEZ, RAY FRITZ, CAROL  
 31 LUSTENADER, MATTHEW MILLER,  
 32 SHLOMO RAKIB, DOUG SABELLA,  
 33 CHRISTOPHER SCHAEPE, MARK  
 34 SLAVEN, LEWIS SOLOMON, HOWARD  
 35 W. SPEAKS, ARTHUR T. TAYLOR,  
 36 DAVID WOODROW, and ERNST &  
 37 YOUNG LLP,

38 Defendants.

39 Case No. 3-06-CV-03936 MJJ

40 **CLASS ACTION**

41 **STIPULATION AND [PROPOSED] ORDER**  
 42 **REGARDING HEARING DATE FOR**  
 43 **DEFENDANTS' MOTIONS TO DISMISS**

44 Dept.: Courtroom 11  
 45 Judge: Hon. Martin J. Jenkins  
 46 Action Filed: June 23, 2006

1           WHEREAS, on October 3, 2007, the Clerk of the Court issued a notice continuing the  
 2 hearing for Defendants' Motions to Dismiss Lead Plaintiff's Amended Class Action Complaint  
 3 for Violations of the Federal Securities Laws;

4           WHEREAS, lead trial counsel for Defendant Ernst & Young LLP will be unavoidably  
 5 out of the country on October 25, 2007, and therefore, unable to attend the hearing on October 25,  
 6 2007;

7           WHEREAS, the Lead Plaintiff, Defendant Terayon Communication Systems, Inc., and  
 8 the Individual Defendants wish to accommodate the schedule of lead trial counsel for Defendant  
 9 Ernst & Young LLP;

10          WHEREAS, Defendant Terayon Communication Systems, Inc. and the Individual  
 11 Defendants have requested that its Motion to Dismiss be taken off calendar, but the Court has not  
 12 yet acted upon that request;

13          WHEREAS, counsel for all parties are available for the hearing on Defendants' Motions  
 14 to Dismiss on November 20, 2007, at 9:30 a.m.;

15          WHEREAS, the parties agree to continue the hearing for Defendants' Motions to  
 16 Dismiss to November 20, 2007, at 9:30 a.m., with the understanding that Defendant Terayon  
 17 Communication Systems, Inc.'s and the Individual Defendants' Motion to Dismiss may be taken  
 18 off calendar before that date;

19          NOW THEREFORE, it is hereby STIPULATED and AGREED, subject to Court  
 20 approval, that:

21           ///

22           ///

23           ///

1. The hearing for Defendants' Motions to Dismiss Lead Plaintiff's Amended Class Action Complaint for Violations of the Federal Securities Laws currently scheduled for October 25, 2007, at 9:30 a.m. before the Honorable Martin J. Jenkins, United States District Court, Northern District of California, San Francisco Division, Courtroom 11, 19th Floor, is hereby continued to November 20, 2007, at 9:30 a.m.

IT IS SO STIPULATED.

Dated: October 5, 2007

## MORGAN, LEWIS & BOCKIUS LLP

Dated: October 5, 2007

## LATHAM & WATKINS LLP

By \_\_\_\_\_/S/  
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**Counsel for Defendant Terayon  
Communication Systems, Inc. and Individual  
Defendants**

Dated: October 5, 2007

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**Liaison Counsel for Plaintiff and the Class**

1 **[PROPOSED] ORDER**

2 Upon the Stipulation of the parties, and for good cause appearing,

3 IT IS HEREBY ORDERED THAT:

4 Defendant Ernst &amp; Young LLP's Motion

5 1. The hearing for ~~Defendants' Motions~~ to Dismiss Lead Plaintiff's Amended  
6 Class Action Complaint for Violations of the Federal Securities Laws currently scheduled  
7 for October 25, 2007, at 9:30 a.m. before the Honorable Martin J. Jenkins, United States  
8 District Court, Northern District of California, San Francisco Division, Courtroom 11,  
9 19th Floor, is hereby continued to November 20, 2007, at 9:30 a.m.10 Dated: 10/16, 2007